Business	Time Allotted
2. Discussion on the Statutory Resolution seeking disapproval of the Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988 and consideration and passing of the Benami Transactions (Prohibition of the Right to Recover Property) Bill, 1988, as passed by the Lok Sabha.	2 hrs.
3. Consideration and passing/return of the following Bills:—	
(a) The Jamia Millia Islamia Bill, 1988.	1 hr.
(b) The Appropriation Railway (No. 4) Bill, 1988, as passed by Lok Sabha.	2 hrs.
(c) The Appropriation (No. 4) Bill, 1988, as passed by Lok Sabha.	2 hrs.
(d) The Motor Vehicle Bill, 1988, as passed by Lok Sabha.	3 hrs.
(e) The Water (Prevention and Control of Pollution) Amendment Bill, 1988, as passed by the Lok Sabha.	2 hrs.
4. Discussion on the National Housing Policy.	3 hrs.

MESSAGE FROM THE LOK SABHA

Motor Vehicles Bill, 1988

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Motor Vehicles Bill, 1988, as passed by Lok Sabha at its sitting held on the 22nd August, 1988."

Sir, I lay a copy of the Bill on the Table.

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6 P M.

[*The* **Deputy Chairman** in the Chair.]

STATEMENT BY MINISTER

Demands of the Gorkha National Liberation Fron

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): Sir, It gives me great pleasure to inform this august House that negotiations with the Gorkha National Liberation Front (GNLF) with regard to their demands have been successfully concluded with the signing of two Memoranda of Settlement. The first Memorandum was signed on 22nd August, 1988 at Calcutta by Shri Subhash Ghising on behalf of the GNLF, Chief Secretary, Government of West Bengal on beaif of the State Government and the Union Home Secretary on behalf of the Government of India. The second Memorandum was signed in New Delhi this morning by Shri Subhash Ghising on behalf of the GNLF and the Union Home Secretary on behalf of the Government of India. The signing of two Memoranda of Settlement became a necessity because certain demands putforth by the GNLF pertained exclusively to the Union Government. I am placing a copy each of the two Memoranda of Settlement on the Table of this House.

As the House would recall, the GNLF has been spearheading agitation in Darjeeling Hill areas since the early part of the year 1986, for acceptance of their demands. The main demands putforth by The GNLF were:—

(i) A separate State of Gorkhaland within the Indian Union should be formed;

(ii) The question of citizenship of the settled Gorkhas should be resolved on the basis of incorporation of territories (as provided for in Section 7 of the Indian Citizenship Act, 1955) and for

this purpose a notification should be issued by the Government of India;

(iii) A separate Indian Gorkha regiment exclusively for the Indian Gorkhas should be created; and

(iv) Inclusion of Gorkha language in the Eighth Schedule of the Constitution.

In keeping with the Government of India's declared policy to resolve all disputes and differences peacefully and bring into the mainstream various diverse groups, ethnic, social or cultural, talks were initiated with the GNLF from December, 1986 at the initiative of our Prime Minister, Shri Rajiv Gandhi. Right at the outset, it was categorically made clear to the GNLF that the Government of India will not countenance any division of West Bengal. It was also made clear that the GNLF must adjure violence. Within this framework, we invited Shri Subash Ghising and the Government of West Bengal to initiate a dialogue so as to redress the genuine grievances of the Gorkhas of the Darjeeling Hills in the best possible manner as also to give them a sense of participation and a sense of belonging. Consultations between the Government of India and the Government of West Bengal on the one hand and Government of India and the GNLF leadership on the other, were held over a long period which eventually led to the first tripartite talks on 25-1-1988 followed by another tripartite talks on 29-6-1988 and the final one on 25-7-1988. It is a matter of great satisfaction that these discussions finally culminated in total agreement between all the parties concerned as set out in the two Memoranda of Settlement referred to above.

The Memorandum of Settlement signed in Calcutta on the 22nd August, 1988 to which the GNLF, the Government of West Bengal and the Union Government are parties, envisages setting up of an autonomous Hill Council covering three Hill subdivisions of Darjeeling district, viz. Darjeeling, Kalimpong and Kurseong plus thirteen Mouzas of Siliguri subdivision contiguous to Kurseon sub-division. The Hill Council is to be set up through an Act of the State legislation. The salient features of the Hill Council are:—

(i) The name of the Council will be "DARJEELING GORKHA HILL COUNCIL".

(ii) The executive powers of the council will cover 19 subjects including Agriculture, Education, tourism, transport, public health, small scale and cottage industries, etc.

(iii) The Council shall exercise general powers of supervision over Panchayat Samities, Gram Panchayats and Municipalities falling within the areas of the Council's jurisdiction.

(iv) The General Council will have a total of 42 members out of which 28 will be elected and the rest nominated by the State Government.

(v) There will be an Executive Council and the Chairman and Vice-Chairman of the General Council will be ex-officio members of the Executive Council with the Chairman of the General Council functioning as the Chief Executive Councillor. The Chief Executive Councillor will nominate 5 members to the Executive Council from out of the elected members of the Council and the State Government will nominate 2 members to the Executive Council from out of the non-official nominated members of the General Council.

(vi) The Chairman of the General Council cum Chief Executive Councillor will have the ex-official status and privileges of a Minister in the Council of Ministers in the State.

(vii) The State Government agrees to lease to the Council after it is formed or acquire for it the use of such land as may be required and necessary for administrative and developmental purposes, anywhere in the State and in particular in or around 'Darjeeling More' in Siliguri subdivision.

[Shri Santosh Mohan Dev]

The Bill for setting up of the Hill Council will be introduced and passed in a special session of the State Legislature which has been summoned towards the end of this month. The elections to the Council are to be held by 15th December, 1988.

By virtue of this agreement the GNLF have agreed to drop the demand for a separate State of Gorkhaland and withdraw all agitational activities and also to extend full cooperation to the State Administration for the maintenance of peace and the normalisation of the political process in the Darjeeling area. The State Government on its part will review all cases registered during the course of the agitation and take action to withdraw the same. This, however, will not cover cases involving murder. Similarly, disciplinary cases against Government empolyees will also be withdrawn.

The second Memorandum between the GNLF and the Government of India clarifies the position in respect of the three demands which were the exclusive concern of the Government of India, viz. the citizenship issue, formation of a separate Indian Gorkha Regiment and inclusion of Gorkha language in the Eighth Schedule of the Constitution. It as been decided to issue a Gazette Notification clarifying the citizenship status of Gorkhas who have settled in India.

With regard to raising of separate Indian Gorkha Regiment, the policy of the Government of India of not raising any new regiment on class composition was acknowledged. It is not obligatory for Gorkhas settled in India to join only specified Gorkha Regiments and they have the option to join the regiments of their choice. To this extent, suitable instructions will be issued by the Army Headquarters.

The GNLF has accepted the Government of India's position in respect of non-inclusion of more languages in the Eighth Schedule of the Constitution as this would create repercussions and reactions. It is the endeavour of the Government to develop the cultural and literacy heritage of all languages irrespective of their inclusion in the Eighth Schedule.

The settlement has been welcomed by all sections of the people in Darjeeling area as well as in the country as a whole. It has generated a new wave of enthusiasm for peace and development of this area. It has once again demonstrated the strength of the democratic process as envisaged in our Constitution. This settlement brings to an end the disturbed conditions in the strife torn Darjeeling Hill areas and opens up a new era of peace and progress for the brave people of this beautiful Hill District. The valour of the Gorkhas in the defence of our country is well known and I fervently hope that these brave people will make their own unique contribution towards development of the Darjeeling Hill areas and be equal participants in the progress of our country.

I would like to express through this House the Government of India's appreciation of the understanding, patience and cooperation extended by the people of West Bengal in general and the people of Darjeeling in particular to enable us to arrive at an acceptable solution. I would like to express my gratitude towards the Hon'ble Prime Minister whose sagacity and timely guidance kept us on the rails and saw us through to a happy and peaceful negotiated settlement. My special thanks are due to Shri Jyoti Basu, the Chief Minister of West Bengal and Shri Subash Ghising, the leader of the GNLF whose forebearance, patriotism and national outlook made this agreement possible. Last but not the least I would thank the Hon'ble Members of this House for the cooperation and understanding shown during the long course of negotiations. I would also like to thank Shri Inder Jit for the active role he has played.

SHRI SUKOMAL SEN (West Bengal): Madam, I very much welcome this agreement. It has come as a sigh of relief to the citizen of Darjeeling and to the citizens of West Bengal, and for that matter.

for the entire country. I also join the hon. Minister to thank all parties contributing to the successful conclusion of this agreement.

While seeking clarifications on certain points, I would like to say that this accord is somewhat different from the earlier accords reached by the Government of India on certain other issues. For the last 28 months, during the violent agitation by the GNLF in Darjeeling Hills, West Bengal Government had to handle the situation with utmost sagacity and as many as 78 cadres of CPI(M)—men and women; and almost all of them are Nepali-speaking—had to lay down their lives in defending the country's unity and integrity. So, this accord has not come all of a sudden. It is the culmination of a struggle that we had during the last 28 months. We now hope that peace will reign in Darjeeling and the whole of West Bengal.

I would like to seek certain clarifications. Number of arms and ammunitions had been collected by the GNLF during their agitation. I would like to know by when and through what modalities the arms are going to be surrendered. I would like to know whether the Government of India or the Government of West Bengal have any approximate idea of the total number and variety of arms that have been collected by the GNLF. How will you verify that all arms have been surrendered?

During the agitation, the GNLF had a volunteer force, Gorkha Volunteer Force or something like that. I would like to know whether that force will be disbanded. Since the agitation is over, there is no necessity to have such a force. Therefore, I would like to know whether that force is going to be disbanded.

During the agitation for the last 28 months, the Darjeeling hill areas have suffered a huge loss not only in terms of human lives lost but in terms of property also. I would like to know from the hon. Minister whether the Central Government would render financial assistance for rehabilitation as well as reconstruction, to remedy the devastation that has taken place in the Darjeeling hill areas during this period and whether the Central Government will be coming forward with financial assistance for further development of the hill areas. Thank you.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Madam, Deputy Chairman, while welcoming the agreement arrived at in Calcutta between the Government of India, the Government of West Bengal and the GNLF, I would sincerely hope that any obstacle in the path of restoration of peace and continuing peace would be looked upon with care.

Hon. Memher, Mr. Sukomal Sen, also referred to the question of arms which were accumulated during this long period which led to many murders also. What happens to the surrender of illicit arms is, perhaps, to be decided both by the Government of West Bengal and the Government of India who played a crucial role in bringing about the settlement keeping a keen watch on the fact that any steps do not lead to a deterioration in the situation.

It has also to be assured that political and other activities by all sections of the population in the Darjeeling hill areas may continue unabated, normally in order to help the restoration of the tourist influx into the queen of Hill Stations as it is called which has suffered greatly because of this long-drawn strife.

Regarding the part which concerns the citizenship issue, the Nepali language issue and the Gorkha regiment issue: particularly, the first point — the memorandum of understanding has not yet been received by us — the reference made in the statement seems to keep the issue open as yet. The citizenship issued does not concern the Nepalis of Darjeeling only. Nepalis of Assam and Nepalis elsewhere in the country are also concerned with this aspect. Therefore I would like the hon. Minister to assure us. This is a long-standing problem. We have seen how the problem

[Shri Sukomal Sen]

cropped up in Assam in respect of citizenship the type of problem which was non-existent in West Bengal. The Minister should assure us that this will not lead to any further problem in future. As he has expressed the hope that the Darjeeling issue has been satisfactorily solved, similarly we would like to be assured that this citizenship problem will have been fully solved by the clarification to be made in the Central Gazette.

These are the points which I would like to be clarified and at the same time would like to be assured of Government of India's constant concern regarding the observance of the terms of the agreement by the parties concerned. Thank you.

PROF. C. LAKSHMANNA (Andhra Pradesh): Madam Deputy Chairman, I on behalf of my party and on my personal behalf welcome this Accord which has been reached between Subash Ghising group, West Bengal Government and Government of India, I would like to specially take this occasion to congratulate the West Bengal Government for having taken a very correct stand all through this unfortunate agitation which has now culminated into a peaceful nice settlement.

I would also like to take this opportunity to thank some journalist friend who I know played a very key role. I would have mentioned his name, but I refrain from doing so.

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): He has already mentioned it.

PROF. C. LAKSHMANNA: Anyhow, I would like to take this opportunity to congratulate Mr. Inderjit the journalist, for having taken a bold stand in this connection which ultimately led to a solution.

I congratulate the West Bengal Government for the correct stand because I have a particular purpose in mind. The stand taken by West Bengal Government was that while it would not yield, it was always open to discussion. I hope the Government of India would adopt a similar attitude with regard to the Punjab problem so that there could be a political solution to that problem which is now facing the country.

Having stated that, I have got a few clarifications to seek. In the first instance, one aspect of the demand of GNLF with which we personally as a political party agree is with regard to this language to be recognised as part of the Eighth Schedule. Whatever may be the reason, today it is not so. But none-the-less the statement says that it is the endeavour of the Government to develop the cultural and literary heritage of all language irrespective of their inclusion in the Eighth Schedule. In this connection, I would like to bring to the attention of the House that in the earlier accords there was a special mention about the language and its development, about the culture and its development. But for some time it is not finding that place. None-the-less I would like to ask the Minister what specific type of assistance will be forthcoming to the State Government so that this particular endeavour of the Government will take a concrete shape. Obviously it has to be in terms of finances, in terms of certain measures. I think it would be a good gesture to the particular language about which we are talking if Government of India makes it a little more clearer as to what will be the amount that will be available for the development of this particular language. I do appreciate the stand that any language, whether it is a part of the Eighth Schedule or not, has to be developed. We are fully for that. But nonetheless, there has been a particular history of this. Therefore, I would like to know from the Minister whether they have got any particular amount in mind to promote this particular language which was a part of the demands of the GNLF when the agitation was started. In this connection, of course, there has been an agreement even with the West Bengal Government. So, this is the first clarification I would like to seek.

The second clarification I would like to seek from the Minister is with regard to the stipulation that elections will have to be held by the 15th of December, 1988. We are very happy that the democratic process which has been derailed sometimes elsewhere, is sought to be put on the proper lines. So, we congratulate all the parties that elections will be held by the 15th of December. However, I would like to know from the Minister what concrete steps will be taken by the Government in order that some of the things which are pre-conditions for holding of elections by the 15th of December, will be fulfilled because I had an occasion to read a statement by the Chief Minister of West Bengal, wherein, he has said that certain things have to be done so that the democratic process and democratic system could be restored in that part of the State of West Bengal. So, I would like to know from the Minister what concrete suggestions they have, what concreate steps they propose to take in this regard. This is the second clarification I would like to seek.

The third one is the time-frame. Even after the elections are held, if what has been achieved today has to be very successful in months and years to come, it will ultimately depend upon the way in which we meet the aspirations of the people of a particular region, who for one reason or the other feel that their development has been halted. Therefore, I would like to know whether there is any time-frame available with the Government of India to attend to some of the problems which have been highlighted as a result of this prolonged agitation. If so, I would like to know from the Minister what the time-frame is. Do you have that by January this could be done, by March this could be done, by June this could be done, and so on? When you say "March," "June" or 'January,' it does not mean that you have to go strictly by that. It may be one month this way or that way. Therefore, I would like to know from the Minister whether he has such a time-frame with him.

Finally, once again I congratulate all the parties who have been responsible for solving a knotty problem which has been threatening the functioning of democracy in this country.

Thank you, Madam.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Madam Deputy Chairman, on behalf of J & K. National Conference and on my own behalf, I congratulate the Government of India and the Government of West Bengal for having reached this Accord.

I recollected with nostalgia my school days, when we played this game in learning English and tried to find out what was the opposite of "accord." If my memory does not fail, the opposite of "accord" is "confrontation." If confrontation has been avoided by various Accords, it is a step in the right direction.

In this connection, Madam Deputy Chairman, the name of one person an important person who has burnt midnight oil to see that this Agreement is reached, has not been mentioned. I personally congratulate that person, and he is Sardar Buta Singh, our Home Minister. His name has not been mentioned so far. But I know that he had to do a lot in this connection.

I congratulate Shri Jyoti Bosu, the West Bengal Chief Minister. With his sagacity, wisdom and far-sightedness, his role is remarkable. He has yielded a lot to the Gorkha people but has seen to it that this Accord is reached. I would also like to congratulate Mr. Inderjit, who has persevered in his efforts for the accord.

Now, I would like to have clarfications on two points.

My first point is that the time has now come when political gains out of this Agreement should not be misused by any party in the implementation of this Accord. There had been accusations in the past by both the Central Government and the West Bengal Government. The West Bengal Government accused the Central Government that they

[Shri Ghulam Rasool Matto]

were encouraging the agitation and conversely the Central Government was also blaming the West Bengal Government. Now, it has to be seen that this Agreement is implemented in both letter and spirit. I would like to have an assurance from the hon Minister that at no occasion howsoever the provocation from any side comes, this matter will be politicised and efforts will only be directed to implement this Agreement in letter and spirit.

The second point that I would like to make is — as my friend Mr. Bhattacharjee has also stated — that the economy of Darjeeling District has been shattered during the last few years. The economy of Darjeeling depends on tourism. I would request the hon. Minister to give an assurance to me that rehabilitation of the Darjeeling District, including Siliguri, will be taken up on priority basis done and that the Government of India will give all assistance to the West Bengal Government for development and rehabilitation of the tourism industry of the district. I hope the West Bengal Government will also contribute its mite for rehabilitation of the affected people in this District. If a committee by the Central Government is set up in conjunction with the West Bengal Government, that Committee may be helpful in identification of the problems of the District as a result of the Agitation and recommend measures for its economic rehabi litation and in development of its tourism industry.

These are the two assurances that I would like to have from the hon. Minister.

I would again congratulate the Government of India, Sardar Buta Singh and Mr. Jyoti Bosu in particular for having reached this Accord.

श्री सत्य प्रकाश मालवीय : (उत्तर प्रदेश) : उपसभापति जी, गोरखा राष्ट्रीय मुक्ति मोर्चा के नेता, भारत सरकार और पश्चिम बंगाल की सरकार की सूझ-बूझ की मैं तारीफ करता हूं और वह इसलिए कि पिछले 28 महीने स जो आन्दोलन चल रहा था और जिसमें कभी-कभी हिंसा भी हुई, वह समाप्त हुआ और अब एक नया अध्याय शुरू होने जा रहा है । यह बिल्कुल साफ बात है कि दार्जिलिंग के पहाड़ी इलाके के जो लोग थे उनमें आर्थिक विपन्नता थी, आर्थिक असमानता थी । इस संबंध में पश्चिम बंगाल सरकार का जो दृष्टिकोण था वह बिल्कुल साफ था और वहां की सरकार इस बात से सहमत थी कि उस क्षेत्र की जो आर्थिक विपन्नता है, आर्थिक असमानता है वह दूर होनी चाहिए और 28 महीने बाद दार्जिलिंग की जनता भी और पश्चिम बंगाल के लोग भी, सभी बधाई के पात्र हैं । श्री सुभाष घीसिंग ने इस बात का वायदा किया है कि जो अलग राज्य की उनकी मांग है, उसको वह छोड़ रहे हैं और साथ-साथ उन्होंने इस बात का भी आश्वासन दिया है कि जो हथियार हैं उनको बहुत जल्दी जमा कर दिया जाएगा ।

एक तो मैं यह जानना चाहता हूं कि हथियार जमा करने के लिए कोई तारीख निश्चित की गई है क्योंकि इस देश में इतने समझौते हो रहे हैं कि समझौते के प्रति मेरी शंका उत्पन्न हो जाती है और कहीं ऐसा न हो कि जो हाल आज पंजाब समझौते का है वही हाल इस समझौते का भी हो । इस संबंध में पश्चिम बंगाल की सरकार को भी, केन्द्र सरकार को भी और सुभाष घीसिंग जो इसके नेता हैं, उनको निश्चित रूप से इस ओर विशेष ध्यान देना होगा ।

दूसरे यह सही है और जैसा प्रोफेसर लक्ष्मन्ना ने भी ध्यान आकर्षित किया कि इसका एक जनतांत्रिक स्वरूप होगा यहां पर, 28 सदस्य होंगे काऊंसिल के और 14 सदस्य राज्य सरकार नामांकित करेगी । यह सही है कि इस समझौते का पालन करने का अधिकार हमने राज्य सरकार को दिया है, लेकिन मैं अपेक्षा करता हूं राज्य सरकार से कि वह जब 14 सदस्यों का नामांकन करे तो संबंद्ध लोगों से इस बारे में सलाह मशविरा कर ले,

उनको विश्वास में लेने के बाद नामांकन करे ।

महोदया, इससे पहले पश्चिम बंगाल सरकार ने आश्वासन दिया है कि हत्याओं में जो लोग अपराधी पाए गए हैं उनको छोड़कर बाकी लोग जो जेलों में बंद हैं उनको रिहा किया जाएगा और रिहैबिलिटेट किया जाएगा । यह काम भी जल्दी होना चाहिए ताकि 28 महीने का जो घाव है वह पूरा भर जाए । इसी प्रकार से यह भी आश्वासन दिया गया है कि जो सरकारी कर्मचारी हैं, जिनका कहीं न कहीं आन्दोलन से संबंध रहा हो, उनके विरुद्ध अनुशासन की कार्यवाही की गई है तो उसको समाप्त किया जाएगा । मेरा कहना है कि जो भी समझौता किया गया है उसके कार्यान्वयन के लिए एक तारीख निश्चित होनी चाहिए कि उसके अंतर्गत सारे काम पूरे हो जाएंगे । चुनाव के लिए आपने तय कर दिया और मुझे आशा है कि वहां पर विधिवत निर्वाचित काउंसिल आएगी और कम से कम दार्जिलिंग के बाहर के इलाकों के लोगों में शान्ति कायम होगी और आर्थिक रूप से उनकी तरक्की होगी ।

एक बात मैं और जानना चाहता हूं कि क्या इस आन्दोलन के दौरान इस देश के प्रधान मंत्री ने कभी कोई ऐसा वक्तव्य दिया था कि यह जो आन्दोलन चल रहा है गोरखा राष्ट्रीय मुक्ति मोर्चे का, जहां पर कभी-कभी हिंसा भी हुई और उन्होंने यह भी मांग की थी कि वहां पर पृथक् राज्य कायम किया जाए, वह अराष्ट्रीय है ? जैसा आज ही सुबह श्री गुरुस्वामी के प्रश्न के उत्तर में कहा गया कि उत्तर प्रदेश के 9 जिलों में जहां कमिश्नरियां भी आती हैं, वे लोग मांग कर रहे हैं कि उत्तराखंड के नाम से पृथक् राज्य स्थापित किया जाए और सरकार ने उस मांग को नहीं माना है तो कभी प्रधान मंत्री ने इस बात की घोषणा की थी कि नहीं, इसकी भी जानकारी हम जानना चाहेंगे कि गोरखा लैंड राष्ट्रीय मोर्चे का जो आंदोलन है वह अराष्ट्रीय है ।

यही मेरे कुछ स्पष्टीकरण हैं जिनका जवाब देने की कृपा करें ।

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam Deputy Chairman, I also join my colleague in congratulating all the three parties in negotiating and coming to a settlement on this problem. Madam, actually this settlement is not only a matter of satisfaction for people in India but actually it is a lesson for the world. If one looks at the last 30 or 40 years of history, one finds that India has been solving its problems whether it was a separate secessionist movement which began in Tamil Nadu in the sixties or the present one in Gorkhaland which had assumed greater proportions. We have seen that, time and again, after some time India is capable of finding a solution to its internal problems. I would say that internationally people should recognise and take lesson from this fact that ultimately these problems do get solved. Therefore, they should not entertain any hopes that India would ever be dismembered by any forces. So, this is one more example of our capacity to come to a settlement.

Having said that I would say we should all record explicitly the contribution made by the Journalist, Mr Inderjit, editor of INFA who is a distinguished son of a distinguished father, Late Mr. Durgadas, the Editor of 'Hindustan Times' who played a role in this whole matter and I think the Government should not be shy in sharing good part of their credit with this Journalist.

SHRI SANTOSH MOHAN DEV: We did.

SHRI SUBRAMANIAN SWAMY: You have done it, but I would say that it is muted. I would also say that it opens my eyes to the fact that there are Journalists who can do positive work in the present context.

[Shri Subramanian Swamy]

Madam, my party has always been for decentralisation and this Agreement actually is one more example of decentralisation. We would like, therefore, this to be extended to other parts of the country. In fact, there are large parts of Madhya Pradesh, Orissa, Bihar and so on where the tribals are demanding this kind of special attention and under Article 244 of our Constitution, you have the power to create such special autonomous bodies. Therefore, I hope the Government will not wait for the same level of violence and pain and so on before conceding in other places as well and indeed, I think, all the tribal areas, I am not saying that the Gorkhas are tribal, but by implication the hilly areas of U.P. and the tribal areas of Madhya Pradesh and Orissa, should also get attention before they resort to the methods that Subhash Ghising and his comrades had to resort to get national attention. I would also like to urge that in view of the fact that Gorkhas and Nepalese are really our brothers, they are all very much a part of this country — even if there is a separate country called Nepal — I do not think there is much difference between Gorkha language and Nepali language. There may be some differences. It might be like Bhojpuri and Hindi, I do not know. But I say, Nepali is not a language like Konkani or some other language which is restricted to a particular part of a State. Nepali language is a multi State language and therefore, it should as a special case, be included in the 8th Schedule and recognised as an Indian language. This would benefit a large number of Nepali-speaking people in the Terrai region of Uttar Pradesh, which State I am presently representing in Parliament, Sikkim, Darjeeling, Assam and many other places. Madam, there are no Nepali-speaking people in Maharashtra except some servants in Bombay but there are a large number of States in which Nepalis reside and work and they speak Nepali. Their language should be encouraged, their children should be able to go to schools and study it and therefore, I would say, even if Mr. Ghising, as an act of statesmanship has not pressed for this, nevertheless, you should be magnanimous and make Nepali a part of the 8th Schedule.

SHRI P. N. SUKUL (Uttar Pradesh): Madam, it is indeed a red letter day when as a result of the tripartite agreement reached between the Government of India, the State Government of West Bengal, and the Gorkha National Liberation Front, hostility has ceased in Darjeeling and surrounding areas and once again, peace is prevailing in that region, that part of our country and for this achievement, the Government of India, especially our Prime Minister, Shri Rajiv Gandhi, the Home Minister, Shri Buta Singhji, the State Government, especially the Chief Minister, Shri Jyoti Basu, and Shri Subhash Ghising, the leader of the GNLF, all deserve our all-out praise, congratulations and felicitations and I am sure, this agreement will go a long way to ensure proper development of that region as per the wishes and aspirations of our Gorkha brethren. Madam, here, I would like to know about the autonomous character of the Darjeeling Gorkha Hill Council which is supposed to be an autonomous body, with its excutive powers covering 19 subjects like agriculture education, tourism, public health etc. Will it be autonomous taking final decisions in matters connected with these subjects or the State Government will have to approve of finally decisions taken by the autonomous body? Also will it be able to chalk out its own plan of development for the region or the plan chalked out by the Council will have to be finally approved by the State Government? Lastly, what will be the situation regarding the Budget of the Council because autonomous bodies, corporations have their own budget? So, will this body be having its own Budget or its Budget will be just a part of the State Budget?

SHRI SANTOSH MOHAN DEV: Madam, at the very outset, I must convey my thanks to all the Members who have supported this Accord. Our thanks also go to all those who have contributed in bringing this Accord into existence There can be no denial of the part played

by Shri Inderjit ji, who is an eminent journalist and whom I mentioned in my speech earlier. While we appreciate the role played by him in this matter, we expect many more journalists to come forward like this to solve many other problems.

Many issues have been raised by hon. Members. One issue raised by Mr. Sourendra Bhattacharjee is about the surrender of arms. In the agreement there is a clause. I will read it.

"The GNLF agrees to issue a call to its cadre for the surrender of all unauthorised arms to the district administration. It will be made clear in the call that such surrenders made voluntarily within the prescribed date will not attract any prosecution."

From the spirit with which this agreement has been signed between the State Government and the GNLF I am sure that this particular clause will be fulfilled without any difficulty. I am confident that there will be no reason for unhappiness in any quarter. I do hope that arms with any party will be surrendered in due course in accordance with the spirit of the agreement.

Another question raised by Mr. Sourendra Bhattacharjee is about citizenship. A notification is being separately issued today. There is no question of keeping it pending. And this notification is a non-statutory one and it clarifies the existing provisions of the Constitution in respect of citizenship. No amendment to the provisions regarding citizenship is involved. I think this will make it clear that we do not keep anything pending.

As regards the time limit for election, as you know, the State Assembly is meeting shortly when the Hill Council Bill will be passed in the State Legislature. Once it is passed and the number of seats decided, they have to make delimitation of the various constituencies for elected members and prepare the voters' list. I am sure that this process will be taken and the elections held as early as possibly by the State Government. The State Government has assured us that the process of election will be completed within the time stipulated.

As I said this morning, the Hill Development Council budgets are always a joint venture by the State and the Central Government. The Council will get funds for their development palns. As said earlier, 19 subjects like agriculture, education, tourism, transport public health and small-scale and cottage industries, have been identified to be dealt with by the Council. Many Members have very rightly said that tourism is one of the major industries in Darjeeling. Darjeeling is a scenic beauty not only for tourists of four country but for tourists from all over the world. I think the Hill Development Council, when they take over, will take special care to develop that area from the communication point of view, from the accommodation point of view and from the tourist point of view so as to attract a lot of tourists. The State Government has agreed to allocate 19 subjects absolutely to the Hill Council. I do not think there will be any dispute because these 19 subjects have been identified after a lot of discussion with the State Government. As I said this morning, the fund that will be provided will be enough for the development of the area and there should not be any doubt. Another point has been raised by the honourable Prof. Lakshmanna. I think, about implementation of the various clauses that have been incorporated, whether a time-bound programme has been fixed. Now everything is done from Calcutta. When the Hill Council is fomed, diversification of power, decentralisation of power, will be done in such a manner that I don't think there will be any difficulty in implementing what has been agreed to. As regards withdrawing of cases, as I said in the statement, only those cases where specific charges of murder are there, will not be withdrawn: otherwise, all other cases will be withdrawn. During the course of discussions the Government of West Bengal came forward to take certain steps for creating an atmosphere of discussion, withdrawal of certain types of para-milit-

[Shri Santosh Mohan Dev]

ary forces, releasing of certain persons, etc. We must appreciate the good offices of our honourable Home Minister, we must appreciate the stand taken by the West Bengal Government, especially their Chief Minister Jyoti Basu, and Mr. Subash Ghising. Some Members referred to the honourable Prime Minister in regard to certain comments. Originally we said that they gave up their demand of statehood. But I don't think today being a happy day we should go into what happened in the past. Today we should remember that they have agreed to work wihtin the framework of our Constitution, they have agreed to take part in the development of the hill areas. The development of the hill areas will help not only the hill areas but their development will contribute to the whole country. I am sure this is a red letter day for all of us and I am extremely happy to see that the whole House has given support to this particular Accord. I am sure that such support will be forthcoming with all of you being realistic if there are problems to be solved in future. (ends)

THE DEPUTY CHAIRMAN: We in this House extend our good wishes for the wellbeing peace and progress of the people of the area and the proposed Darjeeling Gorkha Hill Council. We congratulate the Government of India, the Government of West Bengal, Shri Subash Ghising and Shri Inderjit for bringing about this happy accord.

LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTANING REGISTERS BY CERTAIN ESTABLISHMENTS) BILL, 1988

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Madam, I beg to move:—

"That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, as passed by the Lok Sabha, be taken into consideration."

Madam, there are a large number of legislations for rotecting the rights of the workers in respect of wages, bonus provident fund, welfare aspects etc. which are applicable to industrial establishments, shops and establishments, transport companies, mines, etc. Accordingly the concerned establishments are required to maintain a large number of registers and submit various returns periodically as prescribed under various laws. It was felt by small establishments that maintaining such a large number of registers and filing varous returns result in considerable adminsitrative and financial burden on them. A working group was appointed to study the matter and suggest whether itr was possible to simplify the registers and forms to be maintained by small establishments. The recommendations of the working group were examined in consultation with the representatives of workers and employers. As a result of this exercise the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Bill was introduced in Lok Sabha last year. The Bill has been passed by the Lok Sabha on the 4th August 1988. The salient feature of Bill is that the establishments engaging less than 20 persons have been grouped under two categories, namely small shops, where the number of employees is less than ten and not more than 19, and very small establishments, where the number of employees is not more than nine. Certain other important aspects of the Bill are like these:

The Bill aims at reducing the number of forms and returns required to be furnished by small and very small establishments without sacrificing the vital information necessary to protect the workers' rights. The establishments would not be exempted from maintaining or submitting returns in respect of Employees' State Insurance, provident fund, gratuity and maternity benefits, because they involve accountability of public funds and covers all important aspect of